
Public Utilities Commission of the State of California

Results of Public Agenda 3174

Meeting Held on Thursday, June 15, 2006 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Rachelle B. Chong

Dian M. Grueneich

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, June 26, 2006 (San Francisco)	Thursday, June 29, 2006 (San Francisco)
Monday, July 17, 2006 (San Francisco)	Thursday, July 20, 2006 (San Francisco)
Monday, August 21, 2006 (San Francisco)	Thursday, August 24, 2006 (San Francisco)
Tuesday, September 05, 2006 (San Francisco)	Thursday, September 07, 2006 (San Francisco)
Monday, September 18, 2006 (San Francisco)	Thursday, September 21, 2006 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

[5376]

R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.

This decision grants \$58,373.00 in intervenor compensation to The Utility Reform Network (TURN) for its further contributions to D04-05-057, approximately \$78,085 less than TURN requested. Only amounts directly attributable to preparing and filing TURN's motion to intervene in federal litigation seeking to overturn D04-05-057, and amounts for preparing its compensation claim, have been allowed.

(Comr Peevey - ALJ McVicar)

Agenda 3170, Item 5 4/13/2006 (Brown);

Agenda 3171, Item 3 4/27/2006 (Grueneich);

Agenda 3172, Item 3 5/11/2006 (Grueneich);

Agenda 3173, Item 3 5/25/2006 (Staff)

Outcome Signed

[D06-06-008](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2

[5597]

Res ALJ 176-3174

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved[Res ALJ 176-3174](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[5529]

A02-12-027 - Southern California Gas Company.

For authority to update its gas revenue requirement and base rates. A02-12-028, I03-03-016 - Related matters. This decision clarifies the record and adopts a correct forecast for test year 2004 and attrition year 2005 of the costs billed by Southern California Edison Company to San Diego Gas & Electric Company. These proceedings are closed.

(Comr Brown - ALJ Long)

Agenda 3171, Item 19 4/27/2006 (Bohn);

Agenda 3172, Item 8 5/11/2006 (Bohn);

Agenda 3173, Item 6 5/25/2006 (Staff)

Outcome Signed[D06-06-009](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

4

[5589]

R03-10-003 - Order Instituting Rulemaking to implement AB 117 concerning community choice aggregation.

R04-03-017 - Related matters. This decision denies the motion of Michael Kyes, filed September 7, 2005. The motion asks the Commission to permit the purchase and sale of power by private aggregators based on Kyes' interpretation of Public Utilities Code Section 366(b). This decision finds the Commission is barred from permitting private aggregation by Water Code Section 80110. These proceedings are closed.

(Comr Peevey - ALJ Malcolm)

Agenda 3173, Item 8 5/25/2006 (Bohn)

Outcome Held (6/29/06, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5 (Rev.)

[5628]

Res W-4601 - Golden State Water Company (Golden State).

This resolution suspends Golden State's request to withdraw water service under contract to the Calipatria State Prison and orders Golden State to negotiate rates with the Calipatria State Prison, or else file by application. (Advice Letter 1206-W, filed January 5, 2006)

Agenda 3173, Item 14 5/25/2006 (Staff)

06/13/2006 - This revision was not shown on the Agenda mailed to the public.

Outcome Approved

[Res W-4601](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

6

[5629]

Res E-3975 - AT&T, Inc. (AT&T).

AT&T requests a deviation from California Public Utilities Code Section 320. This resolution grants the request and authorizes AT&T to add approximately twenty miles of aerial fiber optic cables along Highway 89 and Highway 50 on existing joint poles in El Dorado County. Aerial fiber optic cables begin at the intersection of Placer and El Dorado County line, extending south along Highway 89 to South Lake Tahoe; and resume along Highway 50 from AT&T's Meyers Central Office to the Tamarack Central Office. Highway 89 and Highway 50 are within the state scenic corridors.

Agenda 3172, Item 19 5/11/2006 (Staff);

Agenda 3173, Item 15 5/25/2006 (Staff)

Outcome Approved

[Res E-3975](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[5632]

Res L-332

This resolution authorizes disclosure of certain documents relating to gas incidents during 2003, 2004, 2005 in the greater Los Angeles area, and documents relating to consumer complaints about gas leaks for 2004 and 2005 involving the Southern California Gas Company and the Southern California Edison Company, subject to limitations to protect the privacy interests of certain consumers.

Agenda 3173, Item 18 5/25/2006 (Staff)

Outcome Approved

[Res L-332](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

8

[5639]

I04-02-007 - Order Instituting Investigation on the Commission's own motion to determine the extent to which the public utility telephone service known as Voice over Internet Protocol should be exempted from regulatory requirements.

This decision closes the Commission's investigation into Voice over Internet Protocol telephony (VoIP). This proceeding has been inactive for almost two years. The Federal Communications Commission has determined it is charged with determining the regulatory framework for VoIP, so it is premature for this Commission to assess its regulatory authority over VoIP. This proceeding is closed. (Comr Brown, Comr Peevey - ALJ Grau)

Outcome Signed[D06-06-010](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

9

[5643]

C06-01-018 - Pacific Continental Textiles, Inc. vs. Southern California Edison Company.

This decision dismisses complaint of Pacific Continental Textiles, Inc. against Southern California Edison Company for failure to state a ground on which relief may be granted. This proceeding is closed.

(Comr Bohn - ALJ Bemederfer)

Outcome Signed[D06-06-011](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

10
[5648]

I05-07-016 - Investigation for the purpose of establishing a list for the fiscal years 2006-2007 and 2007-2008 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

This decision adopts the California Grade Separation Priority List for Fiscal Year 2006-2007, as required by Streets and Highways Code Section 2452. The decision orders I05-07-016 to remain open until the Commission issues its final order adopting the Grade Separation Priority List for Fiscal Year 2007-2008.

(Comr Grueneich - ALJ Ryerson)

Outcome Signed

[D06-06-012](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

11
[5670]

Res E-3985 - San Diego Gas & Electric Company (SDG&E).

SDG&E requests approval of the reappointment of Donald H. Straszheim to the Committees of its Nuclear Decommissioning Qualified and Non-Qualified Master Trusts for San Onofre Nuclear Generation Stations. Request approved. (Advice Letter 1772-E, filed February 10, 2006)

Outcome Approved

[Res E-3985](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

12
[5674]

(ECP) C06-02-019 - Todd F. Brandt and John F. Brandt vs. Geyserville Water Works.

Complainants' request for reduction of the initial service connection fee and the monthly service charge is denied, except that defendant shall apply a refund of \$600.00 to the service connection fee in recognition of the in-kind payment that the defendant has made by installing a one-inch meter.

Case 06-02-019 is closed.

(Comr Bohn - ALJ Ryerson)

Outcome Signed

[D06-06-013](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

-
- 13**
[5675] **Res E-3993 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests approval of its proposed investment management agreement with AllianceBernstein, L.P. Request granted. (Advice Letter 1784-E, filed March 28, 2006)
Outcome Approved
[Res E-3993](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 14**
[5677] **I06-03-003 - Order Instituting Investigation on the Commission's own motion into the rates, operations, practices, service, and facilities of Pacific Gas and Electric Company.**
A05-12-021, A05-12-002 - Related matters. This decision adopts a Settlement Agreement that requires Pacific Gas and Electric Company (PG&E) to contribute \$249.7 million to PG&E's Pension Trust in 2006 and \$153.4 million annually in 2007-2009. The Settlement also authorizes PG&E to recover a general rate case revenue requirement of \$155 million in 2006, \$98 million in 2007, \$102 million in 2008, and \$106 million in 2009. A05-12-021 is closed. A05-12-002 and I06-03-003 remain open.
(Comr Bohn - ALJ Kenney)
Outcome Signed
[D06-06-014](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 15**
[5678] **A05-09-020 - City of Stockton.**
This decision authorizes the City of Stockton (the City) to improve and widen the existing at-grade railroad crossing at Morada Lane over tracks owned by the Union Pacific Railroad Company. Upon completion of the above project, the City is authorized to close the existing at-grade crossing at McAllen Road, over these same tracks. This proceeding is closed.
(Comr Bohn - ALJ Koss)
Outcome Signed
[D06-06-015](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
-

16
[5679]

(ECP) C06-01-001 - Gary J. and M. Kay Curto vs. Bell Atlantic Communications, Inc., dba Verizon Long Distance.

This decision awards Complainants refund of \$1,384.79 because they were charged at a local toll rate for their dial-up computer when they should have been charged at their local rate. Defendant's motion to late-file its answer is denied. Case 06-01-001 is closed.

(Comr Chong - ALJ Barnett)

Outcome Signed

[D06-06-016](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

17
[5681]

A06-03-006 - Legacy Long Distance International, Inc. (Applicant).

Applicant seeks a certificate of public convenience and necessity under Pub. Util. Code § 1001 for authority to provide resold competitive local exchange telecommunications services. Applicant will offer this service in conjunction with the current interexchange and operator services it provides in California at this time. This decision grants the requested authority subject to the terms and conditions set forth in the decision. This proceeding is closed.

(Comr Chong - ALJ Patrick)

Outcome Signed

[D06-06-017](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

18
[5682]

R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.

This decision grants The Utility Reform Network \$204,546.05 in compensation for substantial contributions to D04-01-012, D05-01-056, D05-07-011, and D05-11-009. This proceeding is closed.

(Comr Peevey - ALJ Cooke)

Outcome Signed

[D06-06-018](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

19

[5683]

A06-02-005 - Pacific Gas and Electric Company (PG&E).

This decision grants PG&E the authority to issue \$3 billion of Debt Securities consisting of long-term debt and preferred stock, as requested in A06-02-005. This decision also authorizes PG&E to: encumber utility property, including its accounts receivable, to secure Debt Securities; enter into interest-rate caps, collars, swaps, hedges, and other financial instruments subject to the conditions enumerated in the body of this decision; exempt certain Debt Securities from the Commission's Competitive Bidding Rule as enumerated in the body of this decision; exclude credit enhancements that do not increase the amount of debt owed by PG&E from the determination of its outstanding debt; and, report all Debt Securities information by General Order 24-B to the Commission on a quarterly basis. This proceeding is closed.

(Comr Bohn - ALJ Galvin)

Outcome Signed[D06-06-019](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

20

[5685]

A05-12-031 - Application of Georgi Demetrov Nikolov and Christian Georgiev Demetrov, dba Western Eagle Shuttle and Marin Airport Transportation (Applicants).

This decision grants Applicants, pursuant to Pub. Util. Code §1031 et. seq., a certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Pub. Util. Code §226, and to establish a zone of rate freedom pursuant to Pub. Util. Code §454.2. This proceeding is closed.

(Comr Chong - ALJ Bemederfer)

Outcome Signed[D06-06-020](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

21

[5686]

Res T-17030 - BellSouth Long Distance, Inc.

This resolution revokes the certificate of public convenience and necessity held by BellSouth Long Distance, Inc., at its request.

Outcome Approved[Res T-17030](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

22

[5687]

R05-07-015 - Order Instituting Rulemaking for purposes of amending the Rules of Practice and Procedure to reflect internet access to the agenda and agenda item documents.

This decision amends Rule 3.4 to eliminate Daily Calendar subscription service, consistent with other rule changes previously adopted in D05-11-015. This proceeding is closed.

(Comr Bohn - ALJ Yacknin)

Outcome Signed[D06-06-021](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

23

[5689]

A06-01-007 - Cebridge Telecom CA, LLC, dba Cebridge Connections (Applicant).

This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange services in this state. This proceeding is closed.

(Comr Bohn - ALJ Prestidge)

Outcome Signed[D06-06-022](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

24

[5690]

A05-09-032 - City of Solana Beach.

This decision grants the City of Solana Beach authority to construct a grade-separated pedestrian-rail crossing adjacent to East Cliff Street above North County Transit District mainline tracks, identified as CPUC Crossing No. 106-241.50-AD, in San Diego County. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-06-023](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

25

[5691]

A05-11-005 - City of Santa Fe Springs.

This decision grants the City of Santa Fe Springs authority to construct a grade-separated crossing of Valley View Avenue beneath tracks of the BNSF Railway Company's San Bernardino Subdivision, replacing the existing at-grade crossing identified as CPUC Crossing No. 002-158.40, in Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D06-06-024](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

26

[5692]

Res T-17025 - Citizens Telecommunications Company of California, Inc.

Citizens Telecommunications Company of California, Inc. requests approval of one Interconnection Agreement between Citizens Telecommunications Company of California, Inc. dba Frontier Communications of California and Granite Telecommunications, LLC, pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 941, filed April 21, 2006)

Outcome Approved

[Res T-17025](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

27

[5693]

A02-09-043 - Pacific Gas and Electric Company.

For a certificate of public convenience and necessity authorizing the construction of the Jefferson-Martin 230 kV Transmission Project. This decision denies the Petition for Modification by CALifornians for Renewable Energy of Decision 06-04-018 to increase the hourly rate for intervenor compensation of its attorney Stephan Volker from \$270/hour to \$400/hour. Application 02-09-043 is closed.

(Comr Grueneich - ALJ TerKeurst)

Outcome Signed

[D06-06-025](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

28

[5694]

A05-06-003 - Southern California Edison Company (SCE).

Application for order approving contracts to secure additional capacity for system reliability in SP-15. This decision awards Aglet Consumer Alliance \$18,021.27 in compensation for its substantial contributions to D06-01-004 and its related participation in the Procurement Review Group for SCE; the award is a decrease of \$4,432.50 from the amount requested. A05-06-003 is closed.

(Comr Grueneich - ALJ Vieth)

Outcome Signed[D06-06-026](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

29

[5700]

A06-03-009 - Integra Telecom Holdings, Inc. and Electric Lightwave, LLC.

This decision grants the application of Integra Telecom Holdings, Inc. (Integra) and Electric Lightwave, LLC (EL) for approval of a transaction which will result in a direct transfer of control of EL to Integra. EL holds a certificate of public convenience and necessity authorizing the provision of limited facilities-based and resold local exchange and interexchange services in this state. This proceeding is closed.

(Comr Bohn - ALJ Prestidge)

Outcome Signed[D06-06-027](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

30

[5703]

A06-01-013 - State of California, Department of Transportation (Caltrans).

This decision grants the request of Caltrans to construct a grade-separated highway-rail crossing, Westside Boulevard Overhead, over the track and right-of-way of the Union Pacific Railroad Company in Merced County. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-06-028](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

31

[5704]

Res W-4605 - Watertek, Inc., Metropolitan District.

This resolution authorizes Watertek, Inc., Metropolitan District an interim general rate increase subject to refund, producing an increase in gross annual revenue of \$2,248 or 26.9%.

Outcome Approved[Res W-4605](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

32

[5706]

A06-05-012 - Zlatko Malicevic dba Zack's Airport Shuttle (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin, and San Mateo Counties on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-06-029](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

33

[5707]

A05-05-020 - Central Coast Shuttle Services, Inc. (Applicant).

This decision authorizes Applicant to increase its fares between 3% and 12% for its passenger stage corporation service to Los Angeles International Airport. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-06-030](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

-
- 34**
[5710] **A05-07-010 - PacifiCorp and MidAmerican Energy Holdings Company.**
Application for exemption under Section 853(b) from the approval requirements of Section 854(a) of the Public Utilities Code with respect to the acquisition of PacifiCorp by MidAmerican. This decision awards \$54,680.76 to American Rivers, California Trout, and Trout Unlimited for their substantial contributions to D06-02-033.
(Comr Bohn - ALJ Kenney)
Outcome Signed
[D06-06-031](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 35**
[5712] **Res E-4000 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests approval to update its Assembly Bill 57 Procurement Plan as filed in compliance with D04-12-048. SDG&E's requests is approved. (Advice Letter (AL) 1745-E, filed November 16, 2005 and Supplemental AL 1745-E-A, filed March 22, 2006)
Outcome Approved
[Res E-4000](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 36**
[5716] **A06-05-005 - California-American Water Company (Cal-Am).**
This decision grants Cal-Am authority to issue any combination of long term-debt and common stock to the extent that the total amount issued does not exceed \$187 million and the selected combination results in a capital structure that complies, on average, with the Commission-adopted capital structure during the period the adopted capital structure is in effect for ratemaking purposes. Cal-Am is also exempted from the Competitive Bidding Rule in the issuance of its long-term debt. The reasonableness of the resultant interest rate and cost of money to the utility is subject to scrutiny in Cal-Am's cost of capital proceedings. In that regard, it shall provide testimony in such a proceeding that substantiates the reasonableness of its interest rates applicable to the financing approved in this decision. This proceeding is closed.
(Comr Bohn - ALJ Galvin)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-

37

[5717]

A04-02-031 - City of Gridley (the City).

This decision grants the City's application to close a lightly used rail crossing but denies approval at this time for construction of a major new crossing that, while clearly needed, presents significant safety concerns. The denial of the application is without prejudice to refile by the City of a crossing plan that more compellingly addresses safety issues raised by the California Department of Transportation, Commission staff, and the Union Pacific Railroad Company. This proceeding is closed.

(Comr Peevey - ALJ Walker)

Outcome Signed[D06-06-032](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

38

[5719]

A05-07-010 - PacifiCorp and MidAmerican Energy Holdings Company.

Application for exemption under Section 853(b) from the approved requirements of Section 854(a) of the Public Utilities Code with respect to the acquisition of PacifiCorp by MidAmerican. This decision awards \$39,952.51 to the Yurok Tribe for its substantial contributions to D06-02-033.

(Comr Bohn - ALJ Kenney)

Outcome Signed[D06-06-033](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda**Energy Orders****39**

[5491]

R05-10-030 - Order Instituting Rulemaking concerning relationship between California energy utilities and their holding companies and non regulated affiliates.

This order amends the October 2005 Order Instituting Rulemaking, both as to scope and schedule, and requests public comment on the need for future revisions to the Commission's (1) Affiliate Transaction Rules and (2) General Order 77-L (which governs the reporting of compensation paid to executive officers and employees of regulated utilities). The OIR continues to apply only to the previously designated Respondents, California's major energy utilities and their holding companies: Southern California Edison Company/Edison International, Pacific Gas and Electric Company/PG&E Corporation, and Southern California Gas Company and San Diego Gas & Electric Company, both owned by Sempra Energy.

(Comr Brown - ALJ Vieth)

Agenda 3170, Item 60 4/13/2006 (Bohn);

Agenda 3171, Item 49 4/27/2006 (Bohn);

Agenda 3172, Item 26 5/11/2006 (Peevey)

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

40

[5623]

R05-02-023 - Order Instituting Rulemaking to revise Commission General Order Number 95 pursuant to D05-10-030.

The Commission on February 24, 2005 issued this Order Instituting Rulemaking 05-02-023 to consider uniform rules for attaching wireless antennas to jointly used utility poles and towers. Following seven days of workshops in San Francisco and Los Angeles, the parties jointly presented a workshop report containing three alternative proposals for a new Rule 94 to General Order 95. The parties reached agreement on most of new Rule 94 but differed on provisions dealing with identification signs, the vertical clearance between supply conductors and wireless antennas with radio frequency (RF) emissions, and exceptions to the rules for certain low-emission antennas. This decision today adopts in its entirety the Rule 94 sponsored by the Commission's Consumer Protection and Services Division, the International Brotherhood of Electrical Workers Local 1245, the Communication Workers of America – Ninth District, Pacific Gas and Electric Company, and San Diego Gas & Electric Company. The decision rejects the assertions of some parties that elements of the new Rule 94 are preempted by Federal Communications Commission (FCC) rules regulating RF exposure, concluding instead that mere acknowledgement of the FCC's RF rules does not preempt a state agency which enacts construction rules intended to provide a safe working environment for those climbing and working on transmission poles. This proceeding is closed.

(Comr Brown - ALJ Walker)

Agenda 3173, Item 37 5/25/2006 (Chong)

Outcome Held (6/29/06. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

41

[5624]

I05-09-005 - Order Instituting Investigation to facilitate proactive development of transmission infrastructure to access renewable energy resources for California.

This decision evaluates and adopts specific policies and procedures to implement the cost recovery provisions of Pub. Util. Code § 399.25. Section 399.25 was enacted on September 12, 2002, as part of Senate Bill 1078, and is intended to facilitate California's use of renewable energy resources. Section 399.25 directs the Commission to deem necessary those transmission facilities identified in certificate applications if the proposed facilities are necessary to facilitate achievement of the State's renewable power goals. Section 399.25 also provides a "backstop" cost mechanism allowing the utilities to recover through retail rates any costs of the above facilities that are not approved by the Federal Energy Regulatory Commission for recovery through transmission rates. Today's decision clarifies how the Commission intends to implement § 399.25 to provide the utilities and renewable resource developers with the cost recovery assurance to facilitate meeting the Renewable Portfolio Standard goals. This decision adopts principles for implementing the requirements of § 399.25 that are in the public interest, because they will assist in the Commission's effort to ensure that California has the necessary transmission infrastructure in place in order to meet the RPS goals. The decision also modifies certain findings previously adopted in D03-07-033 to reflect the Commission's further consideration and subsequent events.

(Comr Grueneich - ALJ Halligan)

Agenda 3173, Item 38 5/25/2006 (Staff)

Outcome Signed

[D06-06-034](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

42

[5651]

A05-06-029 - Pacific Gas and Electric Company (PG&E).

This decision adopts all provisions of the Joint Settlement Agreement concerning an application for a Certificate of Public Convenience and Necessity by PG&E to accept, complete construction of, and operate the Contra Costa 8 (CC8) generating facility, except for the Nonbypassable Charge (NBC) provision contained in Paragraph 11. The Settling Parties propose a NBC for CC8 for the 30-year life of the project. The Commission does not approve that provision, but instead adopts a 10-year NBC, consistent with D04-12-048. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Outcome Signed

[D06-06-035](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

43

[5718]

A05-12-002 - Pacific Gas and Electric Company.

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2007. I06-03-003 - Related matters. Consideration of the Expedited Motion of the Greenlining Institute for a full Commission Decision on the inclusion of Philanthropy, Nuclear and Solar Energy testimony.

(Comr Bohn - ALJ Kenney)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**44 Res E-3992 - Pacific Gas and Electric Company (PG&E), Southern California Edison
[5586] Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

PG&E filed substitute sheets of Advice Letter (AL) 2793-E to update earlier approved revisions to Schedules for Net Energy Metering (NEM) including Schedules NEM, NEMBIO, NEMFC on March 2, 2006, and to Schedule NEMCT to correct section numbering on March 22, 2006. (PG&E's AL 2793-E, SCE's AL 1969-E, and SDG&E's AL 1777-E, filed February 27, 22 and 27, 2006 respectively)

Agenda 3173, Item 41 5/25/2006 (Staff)

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

45 Res E-3998 - San Diego Gas & Electric Company (SDG&E).

[5642] SDG&E's proposal for a new Unmetered Service Rate Schedule where meters for small loads are uneconomical or not permitted on public rights of way by local governments. (Advice Letter 1780-E, filed March 15, 2006 and Substitute sheets of April 14, 2006)

Outcome Approved

[Res E-3998](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**46**

[5671]

A02-11-044 - San Gabriel Valley Water Company (San Gabriel).

This decision affirms D04-07-034. Like D04-07-034 it finds that, with certain exceptions, San Gabriel met its burden of proof regarding its request for a rate increase and that San Gabriel's proposed construction projects, including any changes or substitutions, are reasonable. This decision also finds that San Gabriel did not meet its burden of proof on certain ratemaking issues, specifically: (A) gains from (1) sales of real estate, (2) water contamination law suits and settlements, (3) condemnations, and (4) inverse condemnations; (B) contributions in aid of construction; and (C) the ratemaking treatment of the purchase price of land for a new office. As to those issues, this decision orders that the rates and charges authorized by D04-07-034 are subject to refund. To the extent that financial gains were not the property of San Gabriel (and should have been allocated to ratepayers), but were invested in plant, those gains should be treated as contributions in aid of construction. The amount of any refunds and reductions to rate base will be determined in San Gabriel's current rate case, A05-08-021. This proceeding is closed.

(Comr Bohn - ALJ Barnett)

Outcome Signed[D06-06-036](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Legal Division Matters**47**

[5714]

FERC Docket No. RM06-16-000, Mandatory Reliability Standards for the Bulk-Power System.

On April 4, 2006, the North American Electric Reliability Council (NERC) filed with the Federal Energy Regulatory Commission (FERC) 102 proposed Reliability Standards for FERC approval, subject to its application for certification as the Electric Reliability Organization pursuant to Section 215 of the Federal Power Act. On May 11, 2006, FERC released a staff preliminary assessment of the proposed Reliability Standards. FERC will issue a Notice of Proposed Rulemaking (NOPR) with its proposals on each Reliability Standard after receiving comments on the staff preliminary assessment. NERC and other interested persons may file comments on the FERC staff preliminary assessment by June 26, 2006. Staff seeks the Commission's authorization to file comments in response to this FERC staff preliminary assessment.

Outcome Approved-Staff Recommendation

FERC Docket No. RM06-16-000

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters - Discussion**48**

[5397]

SB 850 (Escutia)

Broadband service strategy report by state Chief Information Officer.

Agenda 3169, Item 36 3/15/2006 (Staff);

Agenda 3170, Item 83 4/13/2006 (Staff);

Agenda 3171, Item 58 4/27/2006 (Staff);

Agenda 3172, Item 34 5/11/2006 (Staff);

Agenda 3173, Item 49 5/25/2006 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

49

[5398]

SB 1010 (Florez)

Intermodal facility in Shafter and track capacity reporting requirements.

Agenda 3169, Item 37 3/15/2006 (Staff);

Agenda 3170, Item 84 4/13/2006 (Staff);

Agenda 3171, Item 59 4/27/2006 (Staff);

Agenda 3172, Item 35 5/11/2006 (Staff);

Agenda 3173, Item 50 5/25/2006 (Staff)

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

50

[5513]

SB 1539 (Kehoe)

San Diego Assn. of Governments Energy Working Group.

Agenda 3170, Item 98 4/13/2006 (Staff);

Agenda 3171, Item 60 4/27/2006 (Staff);

Agenda 3172, Item 36 5/11/2006 (Staff);

Agenda 3173, Item 51 5/25/2006 (Staff)

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

-
- 51**
[5610] **SB 440 (Speier)**
Telco: mobile data and mobile telephony services: charges for unauthorized services.
Agenda 3172, Item 42 5/11/2006 (Staff);
Agenda 3173, Item 55 5/25/2006 (Staff)
Outcome Defeated (Legislative Subcommittee Recommendation: Oppose Bill.
Sent back to Leg. Subcommittee for further consideration.
)
Yes: (Bohn, Chong)
No: (Brown, Grueneich, Peevey)
Abstain: (none)
Absent: (none)
- 52**
[5611] **SB 1534 (Alarcon)**
Coordinated low-income program eligibility assistance.
Agenda 3172, Item 43 5/11/2006 (Staff);
Agenda 3173, Item 56 5/25/2006 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 53**
[5695] **AB 32 (Nunez/Pavley)**
California Global Warming Solutions Act of 2006: greenhouse gases.
Outcome Held (6/29/06.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 54**
[5696] **AB 1969 (Chavez)**
Public wastewater agencies: renewable electricity generation.
Outcome Held (6/29/06.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

55

[5697]

SB 1059 (Escutia)

Electric transmission corridors.

Outcome Approved (Legislative Subcommittee Recommendation: Oppose unless amended.)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports**56**

[5713]

Commissioner Grueneich Report

Discussion and action regarding appointment of David P. Stephenson to the water representative position on the Commission's Low-Income Oversight Board. Mr. Stephenson is the Director of Rates at California American Water.

Outcome Approved

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**57**

[5680]

Director Clark Report

Designation of Consumer Protection and Safety Division investigators authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code Section 830.11 and Pub. Util. Code Section 308.5. This matter will be presented before the Commission for discussion and action.

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Applications for Rehearing

59

[5649]

R03-09-005 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing of D06-02-010, filed by the Division of Ratepayer Advocates. In D06-02-010, the Commission adopted an advice letter process to allow Class A water utilities to seek waivers of Rate Case Plan requirements, modified certain filing requirements, and resolved outstanding Phase II issues.

Agenda 3173, Item 65 5/25/2006 (Bohn)

Outcome Signed

D06-06-037

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

60

[5698]

A99-04-024 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing of D04-02-025 filed by The Utility Reform Network. In D04-02-025, the Commission adopted capital additions of \$31,782,000 for Southern California Edison Company for non-nuclear generation plant added to rate base from 1997 through March 31, 1998, for non-divested generation plant, and for divested and retained generation plant through July 8, 1998. This amount represents capital additions for environmental, regulatory, safety, and FERC relicensing purposes. The Decision also approved capital addition costs for divested non-nuclear generation plant from 1997 through July 8, 1998, and to maintain plant through December 2001.

Outcome Signed

D06-06-038

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

61

[5699]

A05-02-005 - Conference with Legal Counsel - Application for Rehearing

Disposition of application for rehearing of D05-12-020 filed by Apple Valley Ranchos Water Company (Apple Valley.) D05-12-020 adopted a test year revenue requirement of \$16,331,400 for 2006 and approved the formulaic adjustment method for 2007 and 2008 consistent with the existing rate case plan (RCP) for water utilities adopted in D04-06-018. Among other things, the Commission concludes in D05-12-020 that the cost of all necessary facilities to serve new customers, including wells, tanks, and treatment facilities, when attributable to new customers, should be recorded in a facilities charge, and not imposed on the existing customer base.

Outcome Signed

D06-06-039

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

62

[5705]

R02-11-039 - Conference with Legal Counsel - Application for Rehearing

Disposition of application for rehearing of D04-12-049 filed by Mirant Delta, LLC and Mirant Potrero, LLC. D04-12-049 adopted operations standards for electric generating facilities pursuant to Public Utilities Code Section 761.3.

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

63

[5708]

A04-02-026 - Conference with Legal Counsel - Application for Rehearing

Disposition of application for rehearing of D05-12-040 jointly filed by The Utility Reform Network and California Earth Corps. In D05-12-040, the Commission approved the steam generator replacement project proposed by Southern California Edison Company for the SONGS nuclear facility's Units 2 & 3, subject to certain requirements, and certified an Environmental Impact Report pursuant to the California Environmental Quality Act.

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

D06-06-040

Yes: (Bohn, Brown, Chong, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

64

[5709]

A01-02-024 - Conference with Legal Counsel - Application for Rehearing

A01-02-035, A02-02-031 - Related matters. Disposition of Applications for Rehearing of D04-09-063, filed by AT&T Communications of California, Inc. and MCI, Inc. (jointly), The Utility Reform Network, and Mpower Communications Corp. D04-09-063 established revised unbundled network element rates for Pacific Bell Telephone Company dba SBC California.

Outcome Held (6/29/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

65

[5711]

C05-03-010 - Conference with Legal Counsel - Application for Rehearing

Disposition of the application for rehearing filed by the City of San Francisco (CCSF) of D06-01-006. D06-01-006 denies the complaint of CCSF against NextG Networks of California, Inc.

Outcome Held (7/20/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Initiation of Litigation - Non-Federal**66**

[5389]

Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)

Agenda 3169, Item 45 3/15/2006 (Staff);

Agenda 3170, Item 115 4/13/2006 (Staff);

Agenda 3171, Item 79 4/27/2006 (Staff);

Agenda 3172, Item 52 5/11/2006 (Staff);

Agenda 3173, Item 67 5/25/2006 (Staff)

Outcome Signed

I06-06-014

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)